

August 6, 1996

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON

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SECOND REVISED REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Development and Environmental Services File No. **L95P0004**
Proposed Ordinance No. **96-435**

NORTH VIEW
Preliminary Plat Application

Location: Lying on the west side of 164th Avenue SE, approximately
between SE 45th Street and SE 45th Way

Applicant: Jim Hirsch
Terranomics
83 University Street
Seattle, WA 98101

Owner: Joseph M. Liebsack Estate
c/o Cable Plus
11400 SE 6th, Suite 120
Bellevue, WA 98007-6472

SUMMARY OF RECOMMENDATIONS:

Division's Preliminary:	Approve, subject to conditions
Division's Final:	Approve, subject to conditions (modified)
Examiner:	Approve, subject to conditions (modified)

PRELIMINARY MATTERS:

Application submitted:	February 1, 1995
Notice of complete application:	October 16, 1995
Department Preliminary Report issued:	June 4, 1996

EXAMINER PROCEEDINGS:

Hearing Opened:	June 18, 1996
Hearing Closed:	June 18, 1996
Report Issued:	June 28, 1996
Revised Report Issued:	July 5, 1996
Request for Reconsideration Received:	July 19, 1996
Hearing Reopened:	July 31, 1996
Hearing Closed:	July 31, 1996

Participants at the proceedings and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- Density - subdivision lots
- Road safety and design - on-site

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:
Owner: Joseph M. Liebsack Estate
c/o Cable Plus
11400 SE 6th, Suite 120
Bellevue, WA 98007-6472
Developer: Jim Hirsch
Terranomics
83 University Street
Seattle, WA 98101
Engineer: Baima & Holmberg, Inc.
100 Front Street South
Issaquah, WA 98027
STR: 14-24-05
Location: Lying on the west side of 164th Avenue SE,
approximately between SE 45th Street and SE 45th Way
Zoning: R-6
Acreage: 6.89
Number of Lots: 27
Overall Density: 3.92 dwelling units per gross acres
Lot Size: Ranges from 4,343 to 7,174 square feet
Proposed Use: Detached single-family residences
Sewage Disposal: Eastgate Sewer District
Water Supply: City of Bellevue
Fire District: Bellevue #405
Complete Application (Vesting) Date: October 16, 1995
2. Except as modified below, the facts set forth in the King County Land Use Services Division's Preliminary Report to the King County Hearing Examiner for the June 18, 1996 public hearing are found to be correct and are incorporated herein by this reference. Copies of the said report will be attached to the copies of this report submitted to the County Council.
3. Although the average lot sizes proposed are substantially smaller than existing single-family residential lots in the area, the proposal is consistent with the 1994 King County Comprehensive Plan and the applicable zoning.
4. The road layout proposed in the preliminary plat revised May 3, 1996, would enter the adjacent property to the southeast (Tax Lot 13) at a location which would unreasonably interfere with future development of that property. However, the owner of Tax Lot 13 and the Applicant have reached an agreement that will facilitate improved access to both properties. This agreement, executed July 22, 1996, provides for the realignment and extension of Road B to enter Tax Lot 13 approximately 41 feet east of the west boundary of Tax Lot 13. From there, Road B will continue south and east to 164th Avenue Southeast.

By the terms of the agreement, the owners of Tax Lot 13 will convey to King County fee title or an easement for the right of way extending from the subject property to 164th Avenue Southeast. The availability of this right of way eliminates the need for construction of Road A as proposed within the subject plat. The connection to 164th Avenue Southeast through Tax Lot 13 avoids the necessity of construction through a wetland and stream, and provides for a better located intersection with 164th Avenue Southeast.

5. If, for an unforeseen reason, Road B cannot be constructed through Tax Lot 13 to provide access to the plat of North View from 164th Avenue Southeast, construction of Road A will be necessary. In that event, the Applicant may apply to the King County Road Engineer (Department of Transportation) for a variance from King County Road Standards, to reflect the probability that use of Road A would be temporary, lasting only until Road B is ultimately extended to 164th Avenue Southeast through Tax Lot 13. The decision of the Road Engineer concerning the standards for improvement of Road A shall be the final decision of King County.

The Applicant has provided information that the cost of physical removal of Road A, if constructed to urban standards for a subaccess street (including removal of required fill and restoration with imported topsoil) would cost approximately \$43,000.

6. Extension of the principal plat road to the west property line is proposed in a manner which will result in an offset from the likely future extension of that road to the west. It appears likely that the owner of the adjacent property to the west (Tax Lot 93) and the developer of the subject property may reach an agreement that would allow for a smoother transition to the west, traversing the northeast corner of Tax Lot 93 within an existing private road.

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Newcastle Community Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonably necessary as a direct result of the development of this proposed plat.
5. If it becomes feasible to extend the plat entrance road (Road "B") through the adjacent property to the south (Tax Lot 13) to intersect with 164th Avenue SE, in lieu of constructing proposed Road "A" to 164th Avenue SE through the on-site Class 2 wetland and stream, Road "A" should not be constructed.
6. In either event, Road "B" should be relocated to provide a stub at the south property line either aligned at its center line with the property line between Tax Lot 115 and Tax Lot 13, or aligned not less than 40 feet east of that property line, to allow for more reasonable development of Tax Lot 13, unless otherwise agreed by the applicant and the owner of Tax Lot 13.
7. If Road "A" is constructed to 164th Avenue SE, as proposed in the May 3, 1996 revised preliminary plat and Exhibit No. 19, provision should be made for its closure and physical removal or alternative use at such time as Road "B" is extended and opened to 164th Avenue SE. The most reasonable means to accomplish this would be by a plat covenant requiring the homeowners' association to petition to close and/or vacate Road "A" at that time, and providing that title to the roadway would vest upon its closure or vacation in the homeowners' association.

RECOMMENDATION:

APPROVE the proposed preliminary plat of NORTH VIEW, as revised and received May 3, 1996, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall meet the base density and minimum density requirements of the R-6 zone classification. All lots shall also meet the minimum dimensional requirements of the R-6 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger. Minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Land Use Services Division. These may include revised access to 164th Avenue SE through the adjacent property to the south (Tax Lot 13), generally as shown in Exhibit No. 19, minor revision to the location of Road "B" and its transition as it approaches the west property line, and elimination of Road "A" if the extension of Road "B" to 164th Avenue SE is provided through Tax Lot 13.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, except for variances granted by King County Road Variance No. L95V0050 and other variances which may be granted by the King County Roads and Engineering Division.
6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and the storm drainage requirements and guidelines as established by the Surface Water Management Division, except for the variance granted in King County Surface Water Design Manual Variance File No. L95V0145 and any future variances. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code and requirements, and apply to all plats.
 - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and updates which were adopted by Public Rule effective January 1, 1995. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by LUSD Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #_____ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
8. The following conditions outline several Core and Special Requirements in the 1990 SWM Drainage Manual which are particularly important for the design of this project. All other applicable requirements in the SWM Manual shall also be addressed in the design of site

improvement plans.

- a. Core Requirement No. 1: Discharge at the Natural Location. The applicant's conceptual drainage plan proposes to consolidate several natural discharge points along the north boundary with a single discharge to the most easterly channel. The applicant has received conditional approval for the requested variance regarding diversion of surface water flows (see File No. L95V0145). As noted in the SWM variance conditions, the requirements addressing this issue shall be accomplished prior to engineering plan approval.
 - b. Core Requirement No. 3: Runoff Control. Storm water runoff control shall be provided using the Stream Protection Standard as required by the conditions of approval of the SWM variance (File No. L95V0145). Biofiltration of storm water is also required for water quality enhancement.
 - c. Special Requirement No. 5: Special Water Quality Controls. A wet pond may be required if the thresholds listed in the Manual apply to the site. The final drainage plans and analysis shall evaluate these requirements and provide a wetpond if required by the SWM Manual. Page 9 in the King County Sensitive Area Folio identifies a Class 2 stream within one mile of the project; therefore, if the amount of impervious surface subject to vehicular use exceeds one acre, a wet pond will be required.
 - d. Special Requirement No. 9: 100-Year Floodplain. A wetland and stream are located on the property; therefore, a floodplain analysis shall be performed. The 100-year floodplain boundaries shall be shown on the final engineering plans and recorded plat.
9. The following conditions specify the required road improvements:
- a. Road "B" shall be improved as an urban subcollector, including 28 feet of pavement with curb and sidewalks on both sides. If feasible, that portion of Road "B" adjacent to the north property line shall be constructed in coordination with the development of the proposed short plat of Tax Lot 35. However, if that short plat is not developed concurrently or an alternative arranged by the applicant to provide for full development of the right-of-way, that portion of Road "B" adjacent to the north property line shall be improved to the half street standard with 30 feet of right-of-way and 20 feet of pavement plus curb and sidewalk on the south side. A temporary turn-around is required at the west end of Road "B" until such time as a public road is extended to connect with 160th Avenue SE or a turn-around is provided further to the west.

To the extent feasible, all lots which front Road "B" and have an alternative access, except proposed Lot 1, shall utilize the alternative access. Lot 1 shall have access onto Road "B" only, in order to allow for future alternative use of the Road "A" right-of-way. These requirements shall be shown on the face of the plat.
 - b. Road "C" shall be improved as an urban subaccess street to the east boundary of Lot 4. That portion of Road "C" adjacent to the north property line shall be improved to the half street standard with 30 feet of right-of-way and 20 feet of pavement plus curb and sidewalk on the south side. If Road "C" exceeds 150 feet and/or serves six or more lots, then a temporary turnaround must be provided. Tract E as shown on the preliminary plat must be dedicated to King County as unimproved right-of-way, unless the existing access easement is relinquished by all beneficiaries thereof. In that event, the existing gravel roadway shall be removed and the area of Tract E shall be incorporated into the adjacent Tract B and Tract C.
 - c. Road "A", if constructed, shall be improved as an urban subaccess street unless alternative improvements are authorized by a variance granted by the King County Department of Transportation.
 - d. Road "D" shall be improved as an urban minor access street. A sidewalk shall be provided on the north side of the roadway. The diameter of the turn-around shall be widened as necessary to allow for the extension of the sidewalk to the west boundary of Tract D, unless Land Use Services Division or the Department of Transportation

approves termination of the sidewalk at the turn-around.

- e. The access tract serving Lots 19 and 20 shall be improved as a joint-use driveway tract, consistent with KCRS 3.01.C.3. Lots 19 and 20 shall have undivided ownership of the tract and be responsible for its maintenance. A note to this effect shall appear on the final plat.
 - f. Reciprocal easements for joint use driveway tracts, consistent with KCRS 3.01.C.3, also may be utilized, at the option of the applicant, and subject to approval by Land Use Services Division, for lots with access onto Road "B".
 - g. 164th Avenue SE has an existing vertical curb along the west pavement edge. A concrete sidewalk is required along the full frontage including Tracts A and C. This required sidewalk must be extended to include a driveway ramp at the existing private access easement at the SE 45th Street alignment, unless the easement is abandoned.
 - h. Street illumination shall be provided where Road "A" intersects 164th Avenue SE, or where Road "B" intersects 164th Avenue SE in lieu of Road "A", consistent with KCRS 5.05.
 - i. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
- 10. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
 - 11. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: 1) pay the MPS fee at final plat recording, or 2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application, and a note shall be placed on the face of the plat which states: "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid". If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
 - 12. Lots within this subdivision are subject to King County Ordinance 10162 and Ordinance 12063, which imposed impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat received final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
 - 13. A planter island, if provided within the Road "D" turnaround, shall be maintained by the abutting lot owners or the homeowners' association. This shall be stated on the face of the final plat.
 - 14. The following note shall be shown on the final engineering plan and recorded plat:

RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE AREAS AND BUFFERS

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/ sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

15. The proposed subdivision shall comply with KCC 21A.24. Prior to engineering plan approval, the applicant shall provide notice on title as outlined in KCC 21A.24.170. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to commencing construction activities on the site.
16. Preliminary plat review has identified the following sensitive area issues which apply to this project. All other applicable requirements for sensitive areas shall also be addressed by the applicant.
 - a. The wetlands within Tracts A and B are Class 2 wetlands. A 50-foot buffer shall be provided from these wetlands, except where Road "A" crosses the wetlands and except where buffer averaging is permitted as described below.
 - b. The stream which flows between the Tract A wetland and the Tract B wetland is a Class 3 stream. A 25-foot buffer shall be provided from the stream, except where Road "A" crosses the stream and except where buffer averaging is permitted as described below.
 - c. Buffer averaging may be used in the subject plat, provided LUSD determines the requirements of KCC 21A.24.320B and 21A.24.360B have been met.
 - d. The Road "A" crossing of the Tract A wetland and on-site stream is permitted, unless the alternative of extending Road "B" through Tax Lot 13 to intersect 164th Avenue SE is available to the applicant. The crossing shall comply with the requirements of KCC 21A.24.330N, 21A.24.340, 21A.24.370G and 21A.24.380, which include a requirement that construction work is limited to summer low water periods. A wetland/stream, restoration/ replacement/enhancement plan shall be prepared by the applicant and submitted to LUSD for review and approval. LUSD may require the posting of bonds to assure the installation of required improvements and plantings. Bonding for a maintenance period of up to five years may also be required to assure the survivability of plantings and long term functioning of improvements.
17. Suitable recreation space shall be provided, consistent with the requirements of KCC 21A.14.180 and 21A.14.190. A recreation space plan shall be reviewed and approved by LUSD and the King County Parks Division prior to engineering plan approval.
18. A homeowners' association shall be established to the satisfaction of LUSD which provides for the ownership and continued maintenance of the recreation and open space areas. If Road "A" is constructed, the plat shall contain a note that the right of way for Road "A" shall revert to the homeowners' association at such time as it may be closed or vacated, subject to any driveway or access easements as are established on the face of the plat or as conditions of road closure or vacation. The future need for a pedestrian easement within the Road "A" right of way shall be addressed in future proceedings to close or vacate the Road "A" right of way, if constructed. (A pedestrian easement is not required to be constructed along the Road "A" alignment in the event Road "A" is not constructed as the plat access road.)

If Road "A" is constructed within an easement, rather than dedicated as right of way, fee title to the area within which Road "A" is located shall be held by the homeowners' association, and the easement for public use shall be extinguished at such time as Road "B" is extended to intersect with 164th Avenue Southeast. In either event, a covenant of the homeowners' association, enforceable by King County or its successor, shall require the homeowners' association to

remove any appearance of a road at the 164th Avenue Southeast and Road "B" intersections at such time as Road "A" is vacated or its use as a public right of way eliminated.

19. Street trees shall be provided as follows:

- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along 164th Avenue SE. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
- b. Trees shall be located within the street right-of-way and planting in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless the King County Department of Transportation (KCDOT) determines that trees should not be located in the street right-of-way.
- c. If KCDOT determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
- d. The trees shall be maintained by the homeowners' association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final plat.
- e. The species of tree shall be approved by LUSD and KCDOT if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
- f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by LUSD prior to engineering plan approval. KCDOT shall also review the street tree plan if the street trees will be located within the right-of-way.
- g. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after LUSD has completed a second inspection and determined that the trees have been kept healthy and thriving.

A \$538 landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

20. The applicant shall submit a letter from a qualified geotechnical engineer with the engineering plan submittal. The geotechnical engineer shall evaluate the proposed engineering design, relative to geotechnical concerns, and certify that the plans have been designed consistent with good engineering practice, relative to such concerns.
21. In the event Road "A" is constructed, the culvert for the outlet of the wetland in Tract A shall be sized to convey flows for the 100-year storm event, such that the 100-year flood elevation on Tax Lot 1424059013 is not changed.
22. If Road "A" is not constructed, the area adjacent to the south boundary of proposed Lot 1 may be incorporated into that lot and lot boundaries adjusted to increase lot sizes, and the remaining area of proposed Road "A" shall be incorporated into the plat open space, or the entire area may be added to open space, at the option of the applicant. If the applicant prefers, one lot may be relocated from the west side of Road "B" to the east side, subject to approval by LUSD.
23. In lieu of the applicant's proposal to eliminate proposed Lot 4 or 5 if an easement for a temporary turn-around cannot be acquired or a road variance obtained for the construction of Road "C", sprinklers may be required for residences constructed on Lots 4 and 5, subject to approval by the Fire Protection Review Engineer and LUSD.

RECOMMENDED this 6th day of August, 1996.

James N. O'Connor
King County Hearing Examiner

TRANSMITTED this 6th day of August, 1996, to the following parties and interested persons:

Ronald Anderson
Celeste Botha
Carol Brossier
Gibson Traffic Consultants
Shupe Holmberg
King Conservation District
Massoud Mohaghegh
John L. Scott Land Dept.

Victor Ben
Harvey Brink
Scott Cala
James Hirsch
Louis & Marie Johnson
Joseph M. Liebsack Estate
Mohssen Mohaghegh
Paul Tollefson

Lanny Henoch, DDES/Land Use Services Division
Tom Koney, Metropolitan King County Council
Richard Lowe, DDES/Land Use Services Division
Michaelene Manion, DDES/Land Use Services Division
Lisa Pringle, DDES/Land Use Services Division
Steve Townsend, DDES/Land Use Services Division

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before August 20, 1996. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before August 27, 1996. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the date on which the Council passes an ordinance acting on this matter.

MINUTES OF THE JUNE 18, 1996 AND JULY 31, 1996, PUBLIC HEARINGS ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L95P0004 - NORTH VIEW:

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Lanny Henoch, Richard Lowe, Shupe Holmberg, Jim Hirsch, Victor Ben, Carol Brossier, Harvey Brink, Massoud Mohaghegh, Mohssen Mohaghegh, Paul Tollefson, and Ronald Anderson.

The following exhibits were offered and entered into the record:

Exhibit No. 1	Department of Development and Environmental Services File No. L95P0004
Exhibit No. 2	Department of Development and Environmental Services File No. L95V0145
Exhibit No. 3	Department of Development and Environmental Services Preliminary Report to the King County Hearing Examiner for the June 18, 1996 public hearing
Exhibit No. 4	Application, received February 1, 1995
Exhibit No. 5	Letter dated September 27, 1995 from James Hirsch to Lisa Pringle, which includes a request for a new vesting date
Exhibit No. 6	Environmental Checklist, received February 2, 1995
Exhibit No. 7	Declaration of Non-Significance, dated April 16, 1996

Exhibit No. 8	Affidavit of Posting, received May 22, 1996; date of posting, May 19, 1996
Exhibit No. 9	Revised plat map, received May 3, 1996
Exhibit No. 10	Conceptual drainage plan, received May 3, 1996
Exhibit No. 11	Land use maps, 552E, 552W, and 553W
Exhibit No. 12	Assessor map, SE 14-24-05
Exhibit No. 13	Sensitive Areas Investigation by Celeste Botha, August 15, 1994
Exhibit No. 14	Wetland Report by Celeste Botha, January 30, 1995
Exhibit No. 15	Traffic Access Evaluation, Gibson Traffic Consultants, November 13, 1994
Exhibit No. 16	Letter dated April 30, 1996 from Massoud Mohaghegh, with two maps attached
Exhibit No. 17	Letter dated June 13, 1996 from Louis and Marie Johnson
Exhibit No. 18	Department of Development and Environmental Services File No. L95V0050
Exhibit No. 19	Proposed Circulation Plan by Baima & Holmberg
Exhibit No. 20	Conceptual Wetland Mitigation Plan
Exhibit No. 21	Letter dated June 17, 1996 from Mr. Mohaghegh, with attachment
Exhibit No. 22A	Plat Density Calculation for RS 7200 zone
Exhibit No. 22B	Plat Density Calculation for R-6 zone
Exhibit No. 23	Applicant's proposed new recommended condition re: SE 45th Street easement
Exhibit No. 24	Drawing showing proposed future road alignment

The following exhibits were offered and entered into the hearing record July 31, 1996.

Exhibit No. 25	Request for Reconsideration dated July 19, 1996
Exhibit No. 26	Supplemental Request for Reconsideration dated July 29, 1996 (with attachments)
Exhibit No. 27	Construction cost estimate submitted by Shupe Holmberg
Exhibit No. 28	Letter (with attachments) dated July 30, 1996, from Massoud Mohaghegh to Examiner.

JNOC:daz

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